

Miami County Engineer's Office  
County Garage  
2100 North County Road 25A  
Troy, Ohio 45373

517-440-5656  
Fax: 517-440-5659  
www.miamicounty.org



Miami County Tax Map Office  
201 West Main Street  
Troy, Ohio 45373

517-440-6625  
Fax: 517-440-5670  
www.miamicounty.org

Paul P. Huelskamp PE, PS • Miami County Engineer

November 28, 2012

RECEIVED DEC 03 2012 *Ed ESS2*

U.S. Environmental Protection Agency, Region 5  
Superfund Division, Enforcement and Compliance Assurance Branch  
Attn: Marsha A. Adams, Enforcement Specialist  
77 West Jackson Boulevard, (SE-5J)  
Chicago, Illinois 60604-3590

RE: West Troy Contaminated Aquifer Site, Troy, Ohio  
CERCLIS ID No: OHN000508132



VIA OVERNIGHT DELIVERY

Dear Ms. Adams:

The Miami County Engineer, who serves as the "Operations Manager" for the Miami County Garage, offers the attached response to your request for relevant information and documentation related to the West Troy Contaminated Aquifer Site in Troy, Ohio. The response represents the best of the capacity/ability of the County Engineer, based upon information available to him at the date of this letter. Should the Engineer obtain or become aware of additional substantive information pertaining to this matter, this response will be supplemented accordingly.

With respect to the on-going investigation of the aquifer in question, the Miami County Engineer denies any liability as a result of past or future findings associated with the site.

## RESPONSE TO QUESTION 1

Individuals elected to the position of Miami County Engineer have each served as the Operations Manager for the Miami County Garage (2100 North County Road 25A, Troy, Ohio) since the garage was originally constructed in 1969. The property and buildings comprising the Miami County Garage are owned in totality by the Miami County Board of Commissioners.

Included within the "area of interest" identified in your letter of request is an additional facility formerly occupied and managed by the Miami County Engineer, located at 670 Harrison Street in Troy. Our records show that on September 1, 2006 your office solicited an essentially identical request for information specific to the Harrison Street location, generating a response which was forwarded to the attention of Ms. Kaushal Khanna, US EPA Program Analyst, on September 19, 2006 (see attachment 1). With respect to the fact that no supplemental information has arisen since its submittal, we consider the 2006 response to have comprehensively addressed your interest in the Harrison Street facility. Accordingly, our response to your current inquiry will refer exclusively to the current Miami County Garage located at 2100 N. County Rd. 25A.

## RESPONSE TO QUESTION 2

According to current records, three (3) products are inventoried in our supply room that contain trichloroethene/trichloroethylene (TCE), 1 product contains 1,1,1 trichloroethane (TCA), and five (5) products contains tetrachloroethylene (PCE). These products, in the stated quantities below, represent the typical inventory of these or similar products at our facility. The following table will address Question 2. a) to 2. e) relative to each product containing TCE, TCA or PCE.

Product Name	2.a	2.b	2.c	2.d
Dry Graphite Lubricant 8078	Aerosol containing TCE	Aervoe Industries Incorporated	General parts lubricant	Eight 12oz. cans
45 Penetrating Lubricant	Aerosol containing TCE	ZEP Incorporated	General parts lubricant	Eight 17oz. cans
SSD/Safety Solvent Degreaser	Aerosol containing TCE & PCE	UZ Engineered Products Corp.	Degreaser	One 18.5oz. can
Lectra-Motive	Aerosol containing TCA.	CRC Industries	Electric parts cleaner	One 19oz. can
PLDP	Aerosol containing PCE	UZ Engineered Products Corp.	All purpose penetrant	Ten 18.5oz. cans
Brakleen	Aerosol containing PCE	CRC Industries	Brake cleaning	One 19oz. can
Flexmaster	Adhesive containing PCE	Dyna Systems	Adhesive	Three 3.7oz. tubes
UV 6800	Adhesive containing PCE	Eclectic Products Inc.	Adhesive	Two 3.7oz. tubes

### 2.e

Todd Carder, Equipment Maintenance Supervisor, 2011-2012  
Jeff Vore, Equipment Maintenance Supervisor, 2006-2011  
Frank Vannoy, Equipment Maintenance Supervisor, 2001-2006  
Bob Weer, Equipment Maintenance Supervisor, 1974-2001  
Harvey Medlin, Equipment Maintenance Supervisor, 1969-1974

All of these supervisors were responsible for the repair and maintenance of machinery and equipment during their terms of employment, and managed the use of products similar in composition and quantity to those listed above as part of their job duties.

### RESPONSE TO QUESTION 3

The Miami County Garage has no solid waste management units on site.

### RESPONSE TO QUESTION 4

The Miami County Engineer has no knowledge of any leaks, spills or releases of chlorinated solvents that have occurred at the Miami County Garage.

### RESPONSE TO QUESTION 5

Ohio EPA issued a Permit To Install (App. # 08-2125 – Attachment 2) to the Miami County Highway Department, effective July 19, 1990, and a subsequent Permit To Install (App. # 08-2849 – Attachment 3) effective January 5, 1994. Both of these permits expired 18 months after the date of issuance.

In addition, Ohio EPA issued a Permit To Operate (App. # 0855140431G001 – Attachment 4) effective January 20, 1995, which was subsequently renewed in 1998, and 2003. This permit was revoked on October 9, 2008 by Ohio EPA (Attachment 5) in response to a formal written request from the Miami County Highway Department.

Currently, the Miami County Garage is under no legal obligation to secure or retain any local, state, or federal environmental permits.

The Miami County Board of Commissioners has been issued an Ohio EPA Small MS4 Storm Water NPDES Permit (OHQ000002 / Facility #1GQ00021AG – Attachment 6), which covers property upon which the Miami County Garage is situated.

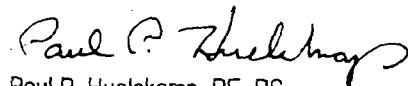
### RESPONSE TO QUESTION 6

Douglas L. Christian, Former Miami County Engineer, 1979-2011  
Arthur D. Haddad, Former Miami County Engineer, 1961-1979

### RESPONSE TO QUESTION 7

The Miami County Engineer has no knowledge of any leaks, spills or releases of chlorinated solvents that have occurred at the Miami County Garage.

Sincerely,



Paul P. Huelskamp, PE, PS  
Miami County Engineer

Attachment 1: 2006 EPA Request & Response: ref. Harrison Street  
Attachment 2: Ohio EPA Permit To Install: 08-2125  
Attachment 3: Ohio EPA Permit To Install: 08-2849  
Attachment 4: Ohio EPA Permit To Operate: 0855140431G001  
Attachment 5: Ohio EPA Permit To Operate: Revocation  
Attachment 6: Ohio EPA Phase II NPDES Permit: 1GQ00021AG



16106  
JAM

Orig. name is

2 Widener  
McGarry

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

## ATTACHMENT 1

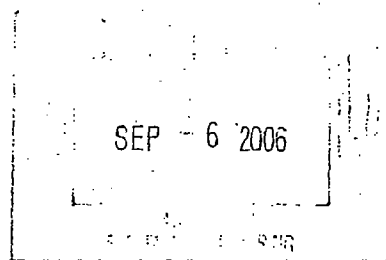
SEP 1 2006

REPLY TO THE ATTENTION OF:  
Troy VOC Plume Site  
ID: B5EN

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Miami County Engineers  
670 Harrison Street  
Troy, OH 45373

RE: Troy VOC Plume Site, Troy, Miami County, OH  
Request for Information



Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to volatile organic compound (VOC) contamination identified in samples taken from the eastern side of the City of Troy, Miami County, Ohio (also referred to as the "Troy VOC Plume Superfund Site," the "TVP Site" or the "Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within fifteen (15) days of your receipt of this letter.

The United States Environmental Protection Agency (U.S. EPA) is investigating the release or threat of release of hazardous substances, pollutants, or contaminants such as volatile organic compounds (VOCs) and solvents including perchloroethylene (PCE) at the Site. U.S. EPA is seeking to obtain information concerning the usage, generation, storage, treatment, transportation, and methods used to dispose of hazardous substances, pollutants, and contaminants, such as VOCs and solvents including PCE and toluene. In addition, U.S. EPA is seeking to identify activities, operations, materials, and parties that may have contributed to contamination at the Site. U.S. EPA will study the effects of these substances on the environment and public health. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

U.S. EPA has spent public funds to conduct investigations of the Troy VOC Plume Superfund Site. This investigation has included reviewing State and local records regarding PCE groundwater contamination and related investigations, and collecting sub-slab or crawl space and indoor air samples, from eastern Troy, Ohio, properties including residential, a police station, a church, and schools. Sampling results document PCE vapor found both in sub-slab samples and

in indoor air samples at many of these structures. In addition, these sampling results are at concentrations near or exceeding risk-based levels identified by the Agency of Toxic Substances and Diseases Registry (ATSDR) and Ohio Department of Health, and therefore may present a threat to human health or the environment.

The Site includes a PCE groundwater plume and an overlying 12 square block area of residential, public, and commercial properties on the eastern side of Troy, Ohio. Based on PCE detected in indoor air samples taken thus far, the Site includes the area between Walnut Street, Water Street, Canal Street, and Union Street. In addition, the Site includes a PCE groundwater contamination plume, 0.5 mile to the east of downtown Troy between Walnut Street and the City of Troy municipal well field along the Miami River. The source(s) of the groundwater contamination plume are under investigation.

In response to contaminants entering the City of Troy's east municipal well field, the Ohio Environmental Protection Agency (OEPA) conducted an Expanded Site Inspection (ESI) in mid 2002 to identify contaminant source areas and to delineate the pathways by which VOCs are entering the City of Troy's east well field. For the ESI, the OEPA collected groundwater samples from boreholes and installed and sampled monitoring wells.

The ESI confirmed that the aquifer and the well field are contaminated with VOCs. In addition, this data indicates that within the Site area, two PCE plumes may be identifiable on the east side of Troy, Ohio, indicating that the contamination may have emanated from at least two sources. The first identifiable plume is located northeast of Water Street (Plume 1) near the Spinnaker Coating facility and a second larger plume (Plume 2) is located 200 feet southwest of Plume 1 and is primarily located in a residential area.

Subsequent multi-year groundwater monitoring by OEPA in both plume areas, revealed that the PCE level in the Plume 1 area is greater than 40 parts per billion (ppb), and in the Plume 2 area is greater than 800 ppb. Hence, levels of PCE in both the plumes exceed the 5.00 ppb U.S. EPA maximum contaminants level in groundwater.

In 2006, OEPA completed soil gas monitoring and monitoring well sampling in the City of Troy's residential east side along Franklin Street and Main Street. Residential groundwater sample results along Franklin Street indicated PCE levels as high as 801 ppb. Soil gas monitoring along Franklin Street indicated PCE levels as high as 58 ppb. Elevated levels of PCE in groundwater and soil gas were also detected in a three block residential area between Franklin Street and Main Street.

To expedite the site investigation, the City of Troy hired LJB, an environmental consultant, to conduct air monitoring activities within properties located between the two plume areas. LJB was hired to evaluate the presence of PCE in the breathing zone of the structures, and to identify if the ambient levels of PCE within the structures pose a potential risk to the inhabitants. LJB conducted two rounds of air sampling; the first air sampling event was conducted in December 2005 and the second air sampling event was conducted in April 2006.

LJB's June 13, 2006, report recognized that PCE is a Class 2A carcinogen via inhalation based on long-term exposure. Because PCE has the potential to degas from the groundwater and migrate through the unsaturated soil, once the PCE vapors encounter a building they can seep into the structure where they can be inhaled by the occupant. LJB concluded that inhabitants of the structures within and around the two plume areas in Troy are at risk of inhaling potential carcinogenic compounds.

Further, LJB completed indoor ambient air sampling at 15 locations including the Troy police station, St. Patrick Church, St. Patrick Elementary School, Forest Elementary School, and Total Team sport store. Indoor air sampling detected elevated levels of PCE at all of the locations exceeding the ATSDR identified screening level of 1.2 ppb.

Based on all the information collected regarding the Site, on June 30, 2006, the OEPA requested U.S. EPA assistance for conducting a time-critical removal action at the Site.

U.S. EPA used and is currently using public funds to perform the Site investigation. From July 2006 through August 2006, U.S. EPA collected sub-slab and crawl space air samples from the east Troy residential area in order to determine if there was a threat presented by vapor intrusion. To date, a total of 15 locations were sampled using summa canisters for laboratory analysis. Additionally, sub-slab samples were collected from the Troy police station, St. Patrick Church, St. Patrick Elementary School, Cleve Middle School, and Forest Elementary School. All of the sampling results are higher than the ATSDR's PCE screening level standards.

#### Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, *et seq.*, commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

#### Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency  
Ms. Kaushal Khanna, Program Analyst  
Emergency Enforcement & Support Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Ms. Steve Renninger, On-Scene Coordinator, at (513) 569-7539. However, if you have specific questions about the Information Request, please contact Ms. Kaushal Khanna, at (312) 353-2663. For any legal questions, please contact Mr. Stuart Hersh, Associate Regional Counsel, at (312) 886-6235.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



Rosauro DelRosario, Acting Chief  
Emergency Enforcement & Support Section

Enclosures

Attachment A  
Information Request  
Troy VOC plume Site

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Information Request become known or available to you after you respond to this request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the



information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information

when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fifteen (15) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

#### Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

4. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
9. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
10. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
11. The term "Site" shall mean the Troy VOC Plume Superfund Site located in the City of Troy, Miami County, Ohio.
12. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers

for temporary or permanent holding of such wastes.

13. The term "you" or "Respondent" shall mean the parties, persons, corporations, partnerships, and entities listed in Attachment C. The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of the parties, persons, corporations, partnerships, and entities listed in Attachment C.

Attachment B  
Requests

1. Identify all persons consulted in the preparation of the answers to this Information Request.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances or materials (such as volatile organic compounds (VOCs) and solvents including PCE and toluene).
6. Identify all persons having knowledge or information about the use, generation, transportation, treatment, disposal, or other handling of hazardous substances or materials (such as VOCs and solvents including PCE and toluene) by your facility, your contractors, or by prior owners and/operators.
7. Did your facility ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances (such as VOCs and solvents including PCE and toluene)? If the answer to the preceding question is anything but an unqualified "no", identify:
  - a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance or material;
  - b) Who supplied you with such hazardous substances or materials;
  - c) How such hazardous substances or materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by your facility;
  - d) When such hazardous substances or materials were used, purchased, generated, stored, treated, transported, disposed, or

otherwise handled by your facility;

e) Where such hazardous substances or materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by your facility; and

f) The quantity of such hazardous substances or materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by your facility.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials or hazardous substances (such as VOCs and solvents including PCE and toluene) at your facility or from your facility to the Site. In addition, identify the following:

a) The persons with whom your company or such other persons made such arrangements (provide list of transporters such as CSX Railroad and its predecessor);

b) Every date on which such arrangements took place;

c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;

d) The owner of the waste materials or hazardous substances so accepted or transported;

e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f) All tests, analyses, and analytical results waste materials or hazardous substances;

g) The person(s) who selected the Site as the place to which waste materials or hazardous substances were to be transported;

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in g. above intended to have the waste materials or hazardous substances transported and all

evidence of this intent;

j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the waste materials or hazardous substances once they were brought to your facility;

l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

m) The measures taken by your facility to determine the actual methods, means, and site of treatment or disposal of the waste materials or hazardous substances involved in each transaction;

n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at your facility or at the Site, and all markings on such containers;

o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material or hazardous substance;

p) All documents containing information responsive to a) through o), above, or in lieu of identification of all relevant documents, provide copies of all such documents; and

q) All persons with knowledge, information, or documents responsive to a) through o), above.

10. Describe the nature of activities or business at your facility with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or waste materials (such as VOCs and solvents including PCE and toluene) at your facility.

11. State the dates during which you owned, operated, or leased your facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

12. Provide information about your facility, including but not limited to the following:

a) Property boundaries, including a written legal description;

b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

c) Surface structures (e.g., buildings, tanks, etc.);

d) Ground water wells, including drilling logs;

e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;

f) Any and all additions, demolitions, or changes of any kind on, under, or about at your facility, to its physical structures, or to the property itself (e.g., excavation work); and any planned additions, demolitions, or other changes to your facility; and

g) All maps and drawings of your facility in your possession.

13. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on your facility. For each such solid waste unit identified, provide the following information:

a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;

c) The dates that the unit was in use;

d) The purpose and past usage (e.g., storage, spill containment, etc.);

e) The quantity and types of materials, hazardous substances and any other chemicals (such as VOCs and solvents including PCE and toluene) located in each unit;

f) The construction (materials; composition), volume, size, dates of cleaning, and condition of each unit; and

g) If unit is no longer in use, how such unit was closed and what actions were taken to prevent or address potential or actual



releases of waste constituents from the unit.

14. Identify the prior owners of your facility. For each prior owner, further identify:

- a) The dates of ownership;
- b) All evidence showing that it controlled access to the facility; and
- c) All evidence that a hazardous substance, pollutant, or contaminant (such as VOCs and solvents including PCE and toluene) was released or threatened to be released at or from your facility, during the period that the prior owner owned the facility.

15. Identify the prior operators, including lessors, of your facility. For each such operator, further identify:

- a) The dates of operation;
- b) The nature of prior operations of your facility;
- c) All evidence that the prior owner controlled access to your facility; and
- d) All evidence that a hazardous substance, pollutant, or contaminant (such as VOCs and solvents including PCE and toluene) was released or threatened to be released from your facility to the Site.

16. Identify and provide any information about all companies, firms, facilities and individuals (whom you may know) whose hazardous substances, pollutants, or contaminants (such as VOCs and solvents including PCE and toluene) have been disposed of at the Site.

17. Describe the manufacturing process used at your facility including the list of chemicals used either as component employed in the formulation of an object, made for sale or use off-facility or on-facility, or as a reagent in the manufacturing process, or as an item used in maintenance activities.

18. List any chemical substances produced in the manufacturing processes employed at your facility, any chemical substances which became byproducts of the manufacturing process, and the chemical composition of any sludges or liquids or other production wastes resulting from the manufacturing process.

Summarize in a short narrative the equipment used to treat such waste materials, transport such waste materials or dispose of waste materials.

19. Provide copies of all local, state, and federal environmental permits ever granted for your facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

20. Identify all federal, State and local authorities that regulated your facility operations(s) and/or that interacted with its operator(s). Your response should address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.

21. Describe all occurrences associated with violations, citations, deficiencies and/or accidents concerning your facility and state the period(s) during which these violations occurred. Provide copies of all documents associated with such occurrence(s).

22. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures followed at your facility.

23. Did your facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status, describe the circumstances under which the facility lost interim status.

24. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

25. Provide all reports, information, or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about your facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

26. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, or air quality on or about your facility including the Site? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these

investigations;

c) The purpose of the investigations;

d) The dates when such investigations will take place and be completed; and

e) Where on the Site such investigations will take place.

27. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants (such as VOCs and solvents including PCE and toluene) that have occurred from your facility to the Site, or that have occurred within 4 miles of your facility when the materials, substances, pollutants, or contaminants were being transported to or from your facility. In addition, identify:

a) When such releases occurred;

b) How the releases occurred;

c) The amount of each hazardous substance, pollutant, or contaminant so released;

d) Where such releases occurred;

e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

g) All persons with information relating to these releases.

28. Was there ever a spill, leak, release or discharge of hazardous materials (such as VOCs and solvents including PCE and toluene) into any subsurface disposal system or floor drain inside or under your facility's building? If the answer to the preceding question is anything but an unqualified "no," identify:

a) Where the disposal system or floor drains were located;

b) When the disposal system or floor drains were installed;

c) Whether the disposal system or floor drains were connected

to pipes;

- d) Where such pipes were located and emptied;
- e) When such pipes were installed;
- f) How and when such pipes were replaced, or repaired; and
- g) Whether such pipes ever leaked or in any way released hazardous materials (such as VOCs and solvents including PCE and toluene) into the environment and/or to the Site.

29. Did any leaks, spills, or releases of hazardous materials occur from or within 4 miles of your facility, to the Site, when such materials were being:

- a) Delivered by a vendor;
- b) Stored (e.g., in any tanks, drums, or barrels);
- c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or
- d) Treated.

30. If the answer to question 29 is anything but an unqualified "no," identify:

- a) When such leaks, spills or releases occurred;
- b) How the leaks, spills or releases occurred;
- c) The amount of each hazardous substance, pollutant, or contaminant so leaked, spilled or released;
- d) Where such leaks, spills or releases occurred;
- e) Any and all activities undertaken in response to each such leak, spill, or release or threatened release, including the notification of any agencies or governmental units about the release.
- f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
- g) All persons with information relating to these leaks, spills

or releases.

31. Has soil ever been excavated or removed from your facility? Unless the answer to the preceding question is anything besides an unequivocal "no," identify:

- a) Amount of soil excavated;
- b) Location of excavation;
- c) Manner and place of disposal and/or storage of excavated soil;
- d) Dates of soil excavation;
- e) Identity of persons who excavated or removed the soil;
- f) Reason for soil excavation;
- g) Whether the excavation or removed soil contained hazardous materials (such as VOCs and solvents including PCE and toluene) and why the soil contained such materials;
- h) All analyses or tests and results of analyses of the soil that was removed from your facility; and
- i) All persons, including contractors, with information about (a) through (h) of this request.

32. Provide a list of the customers to whom your company supplied waste materials or hazardous substances (such as VOCs and solvents including PCE and toluene) and state the time period when your company supplied such materials or substances.

33. Provide a list of all property and casualty insurance (e.g., comprehensive general liability, environmental impairment, etc.) and specify the insurer, policy, effective dates, and per occurrence policy limits for each policy for the time period specified in this Information Request. In lieu of providing this information, you may submit complete copies of all relevant insurance policies according to a January 8, 2004 Memorandum. [Refer to 1/8/2004 Memorandum entitled "CERCLA Section 104(e) Requests for Information on Insurance Coverage" located in F:\JMARITOT\FORMS\REMOVALBOILERPLATES\Enforcement Boilerplates\104(e).wpd for further guidance.]

34. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years, including all

attachments.

35. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year.
- c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
- d) Provide a list of any investments that your Corporation may own. For example, any ownership in stock should list corporate name, number of shares owned, and price at a current specific date. Ownership of real estate should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price, and current market valuation. These schedules should agree with financial statement presentations.

36. If Respondent is a Partnership, provide copies of the Partnership Agreement.

37. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

38. If you are the recipient of this Information Request for one of the following entities, please provide a description, along with documentation, of the connection between and among these entities: Spinnaker Coating, LLC, Kimberly-Clark Corporation, Brown-Bridge Industries Inc., IVEX Corporation, and Troy Laminating and Coatings, Inc. including any other company.

39. Identify any legal or equitable interest your company now has or previously had in the companies listed in the Request #38.

Attachment C  
RECIPIENTS OF INFORMATION REQUEST  
TROY VOCs PLUME SITE

- 1) Spinnaker Coating, LLC  
C/o Perry Schiller, Vice President  
518 E. Water Street  
Troy, OH 45373
- 2) Kimberly-Clark Corporation  
518 E. Water Street  
Troy, OH 45373
- 3) Brown-Bridge Industries Inc.  
518 E. Water Street  
Troy, OH 45373
- 4) Troy Laminating and Coatings, Inc.  
C/o Richard Corane, Manager  
421 S. Union Street  
Troy, OH 45373
- 5) IVEX Corporation  
C/o J. Edwards, Plant Manager  
421 S. Union Street  
Troy, OH 45373
- 6) Hobart Cabinet Company  
C/o Martin Hobart, President  
301 E. Water Street  
Troy, OH 45373
- 7) Waltz's Dry Cleaners  
C/o A. Brook  
432 E. Main Street  
Troy, OH 45373
- 8) Sherwood Laundry  
C/o L. Custin  
84 Foss Way  
Troy, OH 45373
- 9) The Restore  
C/o N. Franzer  
500 N. Elm Street  
Troy, OH 45373

- 10) Stillwater Technology  
C/o M. Jerry  
104 Foss Way  
Troy, OH 45373
- 11) Jim's Marathon  
C/o C. Grove  
846 W. Main Street  
Troy, OH 45373
- 12) Speedway  
C/o Brenda Cobb  
818 N. Market Street  
Troy, OH 45373
- 13) Ray's Tune UP  
C/o G. Brown  
15 N. Oxford  
Troy, OH 45373
- 14) Action GBW Sunoco Drive Through  
201 E. Staunton Road  
Troy, OH 45373
- 15) Deltech Polymers Corp.  
C/o S. Smallmeyer  
1250 Union Street  
Troy, OH 45373
- 16) Midwest Technical Coating  
101 Dye Mill Road  
Troy, OH 45373
- 17) Webster Auto Repair  
C/o Jerry Webster  
522 N. Elm Street  
Troy, OH 45373
- 18) St. Mary's Tool & Die  
C/o C. Lucas  
504 Floral Ave.  
Troy, OH 45373
- 19) Troy Auto Lube  
750 W. Main Street  
Troy, OH 45373



- 20) Trojan Fabricating Inc.  
C/o C. Heslep  
610 N. Market Street  
Troy, OH 45373
- 21) Dayton Carbide Tool Co.  
C/o J. Permenter  
100 E. Canal Street  
Troy, OH 45373
- 22) CSX Railroad  
C/o Mickael J. Ward, Chairman  
500 Water Street  
Jacksonville, FL 32219-3395
- 23) Eisenhower Country Junction  
C/o D. Eisenhower  
229 S. Mulberry Street  
Troy, OH 45373
- 24) Hobart Former Lagoon  
C/o T. Mickee  
507 N. Elm Street  
Troy, OH 45373
- 25) Miami County Engineers  
670 Harrison Street  
Troy, OH 45373
- 26) Montgomery Tree Surgery  
C/o J. Montgomery  
1057 E. Main Street  
Troy, OH 45373
- 27) Troy Mini Mart  
1314 E. Main Street  
Troy, OH 45373
- 28) ITW-Hobart Brothers  
C/o T. Mickee  
600 W. Main Street  
Troy, OH 45373
- 29) Miami Shores Golf Course  
C/o T. White  
402 E. Staunton Road  
Troy, OH 45373

30) Barrett Paving  
C/o J. Collahan  
803 S. Union Street  
Troy, OH 45373

31) Hobart Arena  
C/o C. Sharett  
255 Adams Street  
Troy, OH 45373

**ATTACHMENT 1**

September 19, 2006

Ms. Kaushal Khanna, Program Analyst  
U.S. Environmental Protection Agency  
Emergency Enforcement and Support Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

RE: Troy VOC Plume Site  
ID: B5EN

VIA OVERNIGHT DELIVERY

Dear Ms. Khanna:

Miami County, Ohio, hereby responds to the request of the United States Environmental Protection Agency (U.S. EPA) for information and documents relating to volatile organic compound (VOC) contamination identified in samples taken from the eastern side of the City of Troy, Miami County, Ohio, alluded to hereinabove (also referred to as the "Troy VOC Plume Superfund Site"). The request of U.S. EPA was directed to the "Miami County Engineers" via a letter dated September 1, 2006, which was received by officials of Miami County, Ohio, on September 5, 2006.

Miami County specifically denies any liability or wrongdoing that may be alleged as a result of the ongoing investigation of this matter, and any contribution to the situation which has given rise to the same. Notwithstanding the General Objections set forth hereinbelow, and while reserving all of its rights and prerogatives, Miami County hereby provides the responses to the Request which are set forth hereinbelow or which accompany this communication which are effected to the best of the capacity and ability of officials of the County on the basis of information which is available to said officers as of the date of this letter. Miami County reserves the right subsequently to supplement this response as the county may obtain or become aware of additional, relevant information pertaining to this matter.

### GENERAL OBJECTIONS

1. Miami County objects to the Information Request to the extent that it seeks information which is not relevant to the instant inquiry and which is not calculated to discover information relevant thereto, with particular reference to the fact that the county's 670 Harrison Street site which is the subject of this inquiry is well away from the VOC contamination area at issue, and with particular reference to Paragraphs 3, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Request;
2. Miami County objects to the Information Request to the extent that it is unduly burdensome, oppressive, overbroad, and unreasonable, with particular reference to Paragraphs 3, 7, 35c), and 35d) of the Request;
3. Miami County objects to the Information Request to the extent that it seeks information which is protected by the attorney/client privilege, the attorney work product doctrine, or any other applicable privilege or rule that protects such information from disclosure; and
4. Miami County incorporates by reference all of the General Objections set forth above into and as to each of the Specific Responses set forth hereinbelow to the extent that the same are applicable thereto.

### RESPONSES TO SPECIFIC REQUESTS

1. Identify all persons consulted in the preparation of the answers to this Information Request.

Mark Altier-Chief Civil Assistant Prosecuting Attorney of Miami County, Ohio  
Ken A. Brown-Environmental Engineer, Illinois Tool Works, Inc.,  
ITW-Hobart Brothers.

Jack Evans-Miami County Commissioner;  
Doug Christian-Engineer of Miami County, Ohio  
Arthur Haddad-Interim Service and Safety Director of the City of Troy, Ohio;  
Jarrod Harrah-Maintenance Supervisor of Miami County, Ohio;  
Gene Hittle-Former employee of the Miami County Engineer;  
[REDACTED] Covington, Ohio 45318;  
Cellular Phone: [REDACTED] Home Phone  
[REDACTED]

Paul G. Johnson-Employee of the Miami County Engineer;  
James McGarry-Sanitary Engineer of Miami County, Ohio;  
Gary Nasal-Prosecuting Attorney of Miami County, Ohio;  
Ron Widener-Miami County Commissioner;

Leigh Williams-Clerk of the Miami County Commission  
Judy Trissell-The Miami County Commissioners Office

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request, and provide copies of all such documents.

Officials of Miami County, Ohio, in the preparation of their answers to this Information Request, have consulted, examined, or referred to sample EPA response material provided by Mr. Brown; the deed records of the County related to the ownership of the property located at 670 Harrison Street, Troy, Ohio; an "old garage" file maintained by the office of the Miami County Engineer; drawings, depictions, and plat information related to the area of the property; personnel records maintained by the office of the Miami County Engineer; old pictures and aerial photography depicting the property at issue; a plume map reflecting the location of the matter which is the subject of the request; and maps, pictures, and other material maintained by the City of Troy, Ohio.

3. If you have reason to believe that there are persons able to provide a detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

Greg Akers-Office of the Miami County Sanitary Engineer.

Greg Brookhart-Office of the Miami County Engineer.

Arthur Haddad-Interim Service and Safety Director of the City of Troy, Ohio

Gene Hittle-Former employee of the Miami County Engineer.

Paul Johnson-Office of the Miami County Engineer

Bob McCarroll-Office of the Miami County Sanitary Engineer

4. List the EPA Identification Number of the Respondent.

Officials of Miami County have no knowledge or information as to the issuance of an EPA identification number as to the County.

5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances or materials (such as volatile organic compounds (VOCs) and solvents including PCE and toluene).

Miami County has no specific or direct information as to the acts or omissions of any persons which may have caused the release or threat of release at issue.

6. Identify all persons having knowledge or information about the use, generation, transportation, treatment, disposal, or handling of hazardous substances or materials (such as VOCs and solvents including PCE and toluene) by your facility, your contractors, or other prior owners and operators.

From the late 1930s until 1969, Miami County utilized the 670 Harrison Street location as the situs of the operations of the Miami County Engineer. As such, motor vehicles and other equipment utilized by the Engineer were stored at the facility and serviced on the premises. Further, supplies and material used by the Engineer were kept and stored there. Mr. Christian, Mr. Haddad, Mr. Johnson, Mr. Brookhart, and Mr. Hittle may have more specific personal information as to the nature of the operations at that address during at least the latter portion of the same. From 1969 until 1985, the location was owned, occupied, and used by the City of Troy, and Miami County had no control over or involvement as to the same. Since 1985, the site has been used for storage and for the keeping of vehicles, equipment, supplies, and material. Mr. McGarry and Mr. Christian may have more specific information as to the nature of this use.

7. Did your facility ever use, purchase, store, treat, dispose of, transport, or otherwise handle hazardous substances (such as VOCs and solvents including PCE and toluene)? If the answer to the preceding question is anything but an unqualified "no", identify:

From the late 1930s until 1969, Miami County used the 670 Harrison Street site as the situs of operations of the Miami County Engineer. The engineer is charged with the general duty and responsibility of providing for the maintenance, upkeep, and repair of county roads and bridges. Vehicles and other equipment used by the engineer were kept and serviced at the location, and supplies and material incident to those pursuits were kept at that location. Certainly, as part of that use, the engineer, as part of his ongoing pursuit of his duties and responsibilities and in a manner reasonably incident thereto, would have kept and used at the location substances which could be classified as "hazardous materials" including gasoline, oil, other petroleum products, lubrication substances, automotive additives and support material, paint, and solvent commonly used in such efforts. From 1969 until 1985, the City of Troy owned, occupied, and used the property, and Miami County had no involvement in the management or use of the same. Since 1985, the site has been used solely for the keeping and storage of vehicles, equipment, and supplies, and no vehicles have been serviced at the location.

a). The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance or material;

Miami County currently has no records which pertain to any substances or materials which may have been kept previously at the subject location.

b) Who supplied you with such hazardous substances or materials;

See Answers to 7 and 7a) above.

c) How such hazardous substances or materials were used, purchased, generated stored, treated, transported, disposed, or otherwise handled by your facility.

See Answers to 7 and 7a) above.

It is the recollection of Mr. Hittle that used oil was collected by a contractor for disposition, but the County has no records as to the identity of the contractor, the quantity of the used oil collected by the contractor, or the ultimate disposition of the same.

d) When such hazardous substances or materials were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by your facility;

See Answers to 7, 7a), and 7c) above.

e) Where such hazardous substances or materials were used, purchased, generated stored, treated, transported disposed, or otherwise handled by your facility; and

See Answers to 7, 7a), and 7c) above.

f) The quantity of such hazardous substances or materials used, purchased, generated, stored, treated, transported, disposed or otherwise handled by your facility.

See Answers to 7, 7a), and 7c) above.

8. Identify all persons, including yourself, who may have arranged for disposal or treatment of waste materials or hazardous substances (such as VOCs and solvents including PCE and toluene) at your facility or from your facility to the Site. In addition, identify the following:

As indicated above, the County has no records as to the disposition or treatment of any material at the site. It is the recollection of Mr. Hittle that used oil was taken and disposed of by a private contractor, but the County has no additional information as to disposal and/or treatment of the same.

a) The persons with whom your company or such other persons made such arrangements (provide list of transporters such as CSX Railroad and its predecessor);

See Answer to 8 above.

b) Every date on which such arrangements took place;

See Answer to 8 above.

c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the

substance was used or the process which generated the substance;

See Answer to 8 above.

d) The owner of the waste materials or hazardous substances so accepted or transported;

See Answer to 8 above.

e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See Answer to 8 above.

f) All tests, analyses, and analytical results waste materials or hazardous substances;

See Answer to 8 above.

g) The person (s) who selected the Site as the place to which waste materials or hazardous substances were to be transported;

See Answer to 8 above.

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

See Answer to 8 above.

i) Where the person identified in g. above intended to have the waste materials or hazardous substances transported and all evidence of this intent;

See Answer to 8 above.

j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

See Answer to 8 above.

k) What was actually done to the waste materials or hazardous substances once they were brought to your facility;



See Answer to 8 above.

l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

See Answer to 8 above.

m) The measures taken by your facility to determine the actual methods, means, and site of treatment or disposal of the waste materials or hazardous substances involved in each transaction;

See Answer to 8 above.

n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at your facility or at the Site, and all markings on such containers;

See Answer to 8 above.

o) The price paid for (i) transport of (ii) disposal of (iii) or both, of each waste material or hazardous substance;

See Answer to 8 above.

p) All documents containing information responsive to a) through o), above, or in lieu of identification of all relevant documents, provide copies of all such documents; and

See Answer to 8 above.

q) All persons with knowledge, information, or documents responsive to a) through o), above.

Mr. Hittle

NO REQUEST NUMBER 9 WAS SUBMITTED.

10. Describe the nature of activities or business at your facility with respect to purchasing, receiving, processing, storing, treating, disposing or otherwise handling hazardous substances or waste materials (such as VOCs and solvents including PCE and toluene at your facility.

The County is not involved in any such activity at the present time.  
See Answer 8 above.

11. State the dates during which you owned, operated, or leased your facility, and provide copies of all documents evidencing or relating to such ownership, operation, or least arrangement (e.g., deeds, leases, etc.).

Miami County acquired the property at issue in 1925 and maintained ownership of the same until 1969 when the property was transferred to the City of Troy, Ohio. In 1985, the County reacquired the property, and the County has owned the property since that time. Copies of deeds related to the property during the period since the County's acquisition of the same accompany this letter.

12) Provide information about your facility, including but not limited to the following:

a) Property boundaries, including a written legal description;

Legal descriptions of the property at issue are contained in the deeds, copies of which accompany this letter. Maps and plats depicting the property boundaries accompany this letter.

b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

There is one sanitary sewer line which transverses the property as is depicted in a map which accompanies this letter. The City of Troy may have a water line which crosses the property, but Miami County has no information as to the same. To the knowledge of Miami County officials there is no underground telephone or electrical wiring.

c) Surface structures (e.g., buildings, tanks, etc.);

A copy of a map accompanies this letter which depicts the buildings which currently stand on the premises at issue or which previously were located there. An equipment garage with concrete apron; a maintenance garage/office with concrete aprons and an addition remain on the property. A paint/sign shop in which road painting material and equipment were kept with a concrete apron; a stock building with a concrete apron; a shed; a metal storage building; a lumber storage building; a salt shed; and various steel storage racks were removed from the parcel previously

d) Ground water wells, including drilling logs;

Officials of Miami County have no information as to the existence of ground water wells on the property at issue, or of drilling logs related thereto.

e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank (s), subsurface disposal field (s), and other underground structures; and where, when and how such systems are emptied.

Officials of Miami County have no knowledge of the existence of any storm water systems

on the premises. There is a sanitary sewer line which transverses the property as is depicted on a map which accompanies this letter. It is believed that a septic tank previously was utilized at the location, but officials of Miami County have no information as to the location of the same, its ongoing existence, and its period of use.

- f) Any and all additions, demolitions, or changes of any kind on, under, or about at your facility, to its physical structures, or to the property itself (e.g., excavation work); and any planned additions, demolitions, or other changes to your facility; and

As is indicated above, a number of structures which existed previously on the premises, including a stock building, a shed, a paint and sign shop, a metal storage building, a lumber storage building, a salt shed, and various steel storage racks previously were removed from the property. It is believed that, at the inception of the County's use of the property for its Engineer, these buildings and an equipment garage, and a maintenance garage and office were constructed thereupon. An addition to the maintenance garage and office was constructed in 1961. The equipment garage, and maintenance garage and office building remain on the property. At the present time, the County has no plans for further additions, demolitions, or other changes to the facility.

- g) All maps and drawings of your facility in your possession.

Copies of all such maps and drawings accompany this letter.

13. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on your facility. For each such solid waste unit identified, provide the following information:

None to the knowledge of County officials.

- a) A map showing the units boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

See Answer 13 above.

- b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;

See Answer 13 above.

- c. The dates that the unit was in use;

See Answer to 13 above.

- d) The purpose and past usage (e.g., storage, spill containment, etc.);

See Answer to 13 above.

- e) The quantity and types of materials, hazardous substances and any other chemicals (such as VOCs and solvents including PCE and toluene) located in each unit;

See Answer to 13 above.

- f) The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit; and

See Answer to 13 above.

- g) If unit is no longer in use, how such unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

See Answer to 13 above.

14. Identify the prior owners of your facility. For each prior owner, further identify:

- a) The dates of ownership;

Prior to the acquisition of the property by Miami County in 1925, the property was owned by Mr. Eugene C. Stratton. The City of Troy, Ohio, owned the property from 1969 to 1985.

- b) All evidence showing that it controlled access to the facility; and

Copies of relevant deeds accompany this letter.

- c) All evidence that a hazardous substance, pollutant, or contaminant (such as VOCs and solvents including PCE and toluene) was released or threatened to be released at or from your facility, during the period that the prior owner owned the facility.

To the knowledge of County officials, no such evidence exists.

15. Identify the prior operators, including lessors, of your facility. For each such operator, further identify:

- a) The dates of operation;

The City of Troy, Ohio, used the property from 1969 until 1985.

- b) The nature of prior operations of your facility;

Street maintenance, repair, and improvement garage.

- c) All evidence that the prior owner controlled access to your facility; and

Copies of relevant deeds accompany this letter.

- d) All evidence that a hazardous substance, pollutant, or contaminant (such as VOCs and solvents including PCE and toluene) was released or threatened to be released from your facility to the Site.

County officials are aware of no such evidence.

16. Identify and provide any information about all companies, firms, facilities and individuals (whom you may know) whose hazardous substances, pollutants, or contaminants (such as VOCs and solvents including PCE and toluene) have been disposed of at the Site.

County officials are aware of no such evidence.

17. Describe the manufacturing process used at your facility including the list of chemicals used either as component employed in the formulation of an object, made for sale or use off-facility or on-facility, or as a reagent in the manufacturing process, or as an item used in maintenance activities.

Miami County does not now and has never engaged in any manufacturing process at the location.

18. List any chemical substances produced in the manufacturing processes employed at your facility, any chemical substances which became byproducts of the manufacturing process, and the chemical composition of any sludges or liquids or other production wastes resulting from the manufacturing process.

See Answer to 17 above.

Summarize in a short narrative and equipment used to treat such waste materials, transport such waste materials or dispose of waste materials.

See Answer to 17 above.

19. Provide copies of all local, state, and federal environmental permits ever granted for your facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

Officials of Miami County are not aware of the existence of any such permits.

20. Identify all federal, State and local authorities that regulated your facility operations (s) and/or that interacted with its operator (s). Your response should address all interactions and in

particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.

Officials of Miami are not aware of any such regulation or control of the situs or any operation conducted thereupon.

21. Describe all occurrences associated with violations, citations, deficiencies and/or accidents concerning your facility and state the period (s) during which these violations occurred. Provide copies of all documents associated with such occurrence (s).

Miami County officials are aware of no such occurrences.

22. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices and /or procedures followed at your facility.

Miami County officials are aware of no such inspections, evaluations, safety audits, correspondence or any documents related thereto.

23. Did your facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status, describe the circumstances under which the facility lost interim status.

No.

24. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.

No.

25. Provide all reports, information, or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about your facility. Provide copies of all documents containing such data and information including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Miami County has no such reports, information, or data. It is the understanding that officials of the Ohio Environmental Protection Agency have conducted sampling in the area, but officials of Miami County are not privy to the nature of the same or the results of any such effort of analyses related thereto. Copies of aerial photographs of the site taken since the inception of aerial photography in the area which are in the possession of the Miami County Engineer accompany this letter.

26. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology, or air quality on or about your facility including the Site? If so, identify:

No

- a) What the nature and scope of these investigations will be;

Not Applicable.

- b) The contractors or other persons that will undertake these investigations;

Not Applicable.

- c) The purpose of the investigations;

Not Applicable.

- d) The dates when such investigations will take place and be completed; and

Not Applicable.

- e) Where on the Site such investigations will take place.

Not Applicable.

27. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants (such as VOCs and solvents including PCE and toluene) that have occurred from your facility to the Site, or that have occurred within 4 miles of your facility when the materials, substances, pollutants, or contaminants were being transported to or from your facility. In addition, identify:

Miami County officials are aware of no such leaks, spills, or releases.

- a) When such releases occurred;

Not Applicable.

- b) How the releases occurred;

Not Applicable.

- c) The amount of each hazardous substance, pollutant, or contaminant so released;

Not Applicable

d) Where such releases occurred;

Not Applicable

e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

Not Applicable.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including the results of any soil, water (ground an surface), or air testing undertaken; and

Not Applicable

g) All persons with information relating to these releases.

Not Applicable

28. Was there ever a spill, leak, release or discharge of hazardous materials (such as VOCs and solvents including PCE and toluene) into any subsurface disposal system or floor drain inside or under your facility's building? If the answer to the preceding question is anything but an unqualified "no", identify:

Miami County officials have no knowledge of any such spill, leak, release, or discharge.

a) Where disposal system or floor drains were located;

Not Applicable.

b) When the disposal system or floor drains were installed;

Not Applicable

c) Whether the disposal system or floor drains were connected to pipes;

Not Applicable.

d) Where such pipes were located and emptied;

Not Applicable.



- e) When such pipes were installed;

Not Applicable.

- f) How and when such pipes were replaced, or repaired; and

Not Applicable.

- g) Whether such pipes ever leaked or in any way released hazardous materials (such as VOCs and solvents including PCE and toluene) into the environment and/or to the Site.

Not Applicable.

29. Did any leaks, spills, or releases of hazardous materials occur from or within 4 miles of your facility, to the Site, when such materials were being:

Miami County officials know of no such leaks, spills, or releases.

- a) Delivered by a vendor;

Not Applicable.

- b) Stored (e.g., in any tanks, drums, or barrels);

Not Applicable.

- c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or

Not Applicable.

- d) Treated.

Not Applicable.

30. If the answer to question 29 is anything but an unqualified "no", identify:

- a) When such leaks, spills or releases occurred;

Not Applicable.

b) How the leaks, spills or releases occurred;

Not Applicable.

c) The amount of each hazardous substance, pollutant, or contaminant so leaked, spilled or released;

Not Applicable.

d) Where such leaks, spills or releases occurred;

Not Applicable.

e) Any and all activities undertaken in response to each such leak, spill, or release or threatened release, including the notification of any agencies or governmental units about the release.

Not Applicable.

f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

Not Applicable.

g) All persons with information relating to these leaks, spills or releases.

Not Applicable.

31. Has soil ever been excavated or removed from your facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

Certainly excavation has occurred on the premises during construction of improvements thereupon, and potentially during the demolition or removal of the same. Further, Miami County officials believe that one or more storage tanks were installed on the premises through a process of excavation, and may have been removed subsequently. Miami County officials have no records or other precise information as to the nature and date of any such excavations, or as to the location of any tank or tanks and the current status of the same.

a) Amount of soil excavated;

See Answer to 31 above.

b) Location of excavation;

The location of excavation related to the construction of improvements at the premises and the demolition or removal of the same took place at the site of each said improvement. See Answer to 31 above.

- c) Manner and place of disposal and/or storage of excavated soil;

Miami County officials have no information as to the disposition or storage of excavated soil, although it is likely that some, if not all of the same, was placed on the premises.

- d) Dates of soil excavation;

See Answer to 31 above.

- e) Identity of persons who excavated or removed the soil;

See Answer to 31 above.

- f) Reason for soil excavation;

As indicated, the only excavation of which Miami County officials are aware would have involved the construction, removal, or demolition of improvements, and the placement or removal of storage tanks.

- g) Whether the excavation or removed soil contained hazardous materials (such as VOCs and solvents including PCE and toluene) and why the soil contained such materials;

See Answer to 31 above.

- h) All analyses or tests and results of analyses of the soil that was removed from your facility;  
and

See Answer to 31 above.

- i) All persons, including contractors, with information about (a) through (h) of this request.

See Answer to 31 above.

32. Provide a list of the customers to whom your company supplied waste materials or hazardous substances (such as VOCs and solvents including PCE and toluene) and state the time period when your company supplied such materials or substances.

None.

33. Provide a list of all property and casualty insurance (e.g., comprehensive general liability, environmental impairment, etc.) and specify the insurer, policy, effective dates and per occurrence policy limits for each policy for the time period specified in this Information Request. In lieu of providing this information, you may submit complete copies of all relevant insurance policies according to a January 8, 2004 Memorandum. **[Refer to 1/8/2004 Memorandum entitled "CERCIA Section 104 (e) Requests for Information on Insurance Coverage" located in F:\JMARIOTOT\FORMS\REMOVALBOILERPLATES\enforcement boilerplates\104 (e).wpd for further guidance.]**

Copies accompany this letter.

34. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years, including all attachments.

As a public entity, the County does not file income tax returns.

35. If Respondent is a Corporation, respond to the following requests:

Miami County is not a corporation.

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

Not Applicable.

b) provide Respondent's audited financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service. If audited financial statements are not available, please state the reasons that they are not available, please state the reasons that they are not available, and provide the financial statements that management would review at the conclusion of each fiscal year.

Not Applicable.

c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

Miami County specifically objects to this request as being unduly burdensome, oppressive, overbroad, and unreasonable. Miami County is a public entity with widespread and divergent assets and liabilities. A copy of the County's 2005 Comprehensive Annual Financial Report accompanies this letter.

d) Provide a list of any investments that your Corporation may own. For example, any

ownership in stock should list corporate name, number of shares owned, and price at a current specific date. Ownership of real estate should itemize property location, type of property (land, office building, factory, etc.), size of property, purchase price, and current market valuation. These schedules should agree with financial statement presentations.

Miami County specifically objects to this request as being unduly burdensome, oppressive, overbroad, and unreasonable. A copy of the County's 2005 Comprehensive Annual Financial Report accompanies this letter.

36. If Respondent is a Partnership, provide copies of the Partnership Agreement.

Not Applicable.

37. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

Not Applicable.

38. If you are the recipient of this information Request for one of the following entities, please provide a description, along with documentation, of the connection between and among these entities: Spinnaker Coating, LLC, Kimberly-Clark Corporation, Brown-Bridge Industries Inc., IVEX Corporation, and Troy Laminating and Coatings, Inc. including any other company.

No connection exists other than the fact that each said entity may operate and/or hold assets within the territorial jurisdiction of Miami County, Ohio.

39. Identify and legal or equitable interest your company now has or previously had in the companies listed in the Request #38.

None.

Very truly yours,

Douglas Christian  
Miami County Engineer

MWA

Encs.



**Permit to Install  
Terms and Conditions**

**ATTACHMENT 2**

Application No. 08-2125  
APS Premise No. 0855140431  
Permit Fee: \$50.00

Name of Facility: MIAMI COUNTY HIGHWAY DEPARTMENT

Person to Contact: DOUGLAS CHRISTIAN

Address: 201 WEST MAIN STREET  
TROY, OH 45373

Location of proposed source(s): 2100 NORTH COUNTY ROAD 25-A  
CONCORD TOWNSHIP, OHIO

Description of proposed source(s):  
G001-ONE 10,000 GALLON DIESEL TANK AND ONE 10,000 GALLON GAS  
OLINE STORAGE TANK.

Date of Issuance: July 19, 1990

Effective Date: July 19, 1990

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director



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**Permit to Install  
Terms and Conditions**

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**ATTACHMENT 3**

Application No. 08-2849  
APS Premise No. 0855140431  
Permit Fee: \$50.00

Name of Facility: MIAMI COUNTY HIGHWAY DEPT

Person to Contact: DOUGLAS CHRISTIAN

Address: COUNTY PLAZA  
TROY, OH 45373

Location of proposed source(s): 2100 N COUNTY RD 25-A  
TROY, OHIO

Description of proposed source(s):  
GASOLINE/DIESEL DISPENSING FACILITY; 1-10,000 GALLON GASOLIN  
E & 1-10,000 GALLON DIESEL.

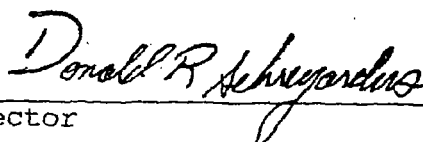
Date of Issuance: January 5, 1994

Effective Date: January 5, 1994

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Director



State of Ohio Environmental Protection Agency

01

## PERMIT TO OPERATE AN AIR CONTAMINANT SOURCE

### ATTACHMENT 4

Date of Issuance **01/20/95**

Application No. **08551404316001**

Effective Date **01/20/95**

Permit Fee **\$000**

This document constitutes issuance to:

**MIAMI COUNTY HIGHWAY DEPARTMENT  
2100 NORTH COUNTY RD. 25-A  
TROY**

**OHIO 45373**

of a permit to operate for:

**1-10,000 GAL GASOLINE TANK & 1-10,000 GAL DIESEL  
GASOLINE DISPENSING FACILITY**

The following terms and conditions are hereby expressly incorporated into this permit to operate:

1. This permit to operate shall be effective until **01/20/98**.  
You will be contacted approximately six months prior to this date regarding the renewal of this permit. If you are not contacted, please write to the appropriate Ohio EPA field office.
2. The above-described source is and shall remain in full compliance with all applicable State and federal laws and regulations and the terms and conditions of this permit.
3. Prior to any modification of this source, as defined in rule 3745-31-01 of the Ohio Administrative Code (OAC), a permit to install must be granted by the Ohio EPA pursuant to OAC Chapter 3745-31.
4. The Director of the Ohio EPA or an authorized representative may, subject to the safety requirements of the permit holder, enter upon the premises of this source at any time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State and federal air pollution laws and regulations and the terms and conditions of this permit.
5. A permit fee in the amount specified above must be remitted within 15 days from the issuance date of this permit.
6. Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA field office must be notified in writing of any transfer of this permit.
7. This source and any associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices in order to minimize air contaminant emissions. Any malfunction of this source or any associated air pollution control system(s) shall be reported immediately to the appropriate Ohio EPA field office in accordance with OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of this source.
8. Any unauthorized or emergency release of an air contaminant from this source which, due to the toxic or hazardous nature of the material, may pose a threat to public health, or otherwise endanger the safety or welfare of the public, shall be reported immediately to the appropriate Ohio EPA field office (during normal business hours) or to the Ohio EPA's Emergency Response Group (1-800-282-9378). (Additional reporting may be required pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act.)
9. The appropriate Ohio EPA field office is:  
**REGIONAL AIR POLLUTION CONTROL AGENCY  
451 W. THIRD ST.  
DAYTON, OH 45422 (513) 225-4437**
10. ☒ If this term and condition is checked, the permit holder is subject to the attached special terms and conditions.

OHIO ENVIRONMENTAL PROTECTION AGENCY

Director

EPA 3834  
Revised 9-90





State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
[www.epa.state.oh.us](http://www.epa.state.oh.us)

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049  
**ATTACHMENT 5**

10/09/2008

Certified Mail

DOUGLAS CHRISTIAN  
MIAMI COUNTY HIGHWAY DEPARTMENT  
2100 NORTH COUNTY RD. 25-A  
TROY, OH 45373

RE: FINAL STATE PERMIT-TO-OPERATE REVOCATION  
Facility ID: 0855140431  
Revocation Number: RVK00307  
Permit Number: P0092405 issued on 11/24/2003  
Facility Location: 2100 NORTH COUNTY RD. 25-A  
TROY, OH 45373  
Miami County

Dear Permit Holder:

A request to revoke all or a portion of the permit identified was received on 07/24/2008 pursuant to Ohio Administrative Code (OAC) rule 3745-31-07. The emissions unit(s) listed below are eligible for revocation. A permit may be revoked if it is determined that granting the request will not result in the violation of any applicable laws.

The permit identified above is hereby revoked for the operations listed. This permit will continue to be enforceable for any other emissions unit(s) identified in the permit unless the operations are specifically revoked or permanently shutdown. This letter does not exempt this facility from compliance with any other applicable laws or regulations.

**Basis for permit revocation:** PBR

Emissions Unit ID:	Company Equipment ID:	Basis for Emissions Unit Revocation (if not stated above):
G001	Gasoline Dispensing Facility	

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental

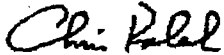
Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

If you have any questions regarding this permit revocation, please contact the Regional Air Pollution Control Agency at (937)225-4435.

Sincerely,



Chris Korleski, Director  
Ohio Environmental Protection Agency

Cc: RAPCA

**RECEIVED**

OCT 16 2008

MIAMI COUNTY  
ENGINEERS

## ATTACHMENT 6

NPDES Permit No.: OHQ000002  
Page 1 of 23

OHIO E.P.A.

JAN 29 2009

WATER DISTRIBUTION JOURNAL

Page 1 of 23

NPDES Permit No.: OHQ000002

Issuance Date: January 30, 2009  
Effective Date: January 30, 2009  
Expiration Date: January 29, 2014

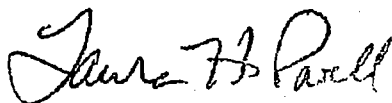
### OHIO ENVIRONMENTAL PROTECTION AGENCY

#### AUTHORIZATION FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS TO DISCHARGE STORM WATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), dischargers of storm water from Small Municipal Separate Storm Sewer Systems, as defined in Part 7 of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA," to discharge from the outfalls and to the receiving surface waters of the state identified in their Notices of Intent (NOI) Application form on file with Ohio EPA in accordance with the conditions specified in this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

Granting of general permit coverage is conditioned upon payment of applicable fees, submittal of a complete NOI Application form and storm water management program (SWMP), and written approval of coverage from the director of Ohio EPA.



Laura H. Powell  
Assistant Director

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By:  Date: 1-29-09

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**PART I. COVERAGE UNDER THIS PERMIT**

**A. Permit Area**

This permit covers the State of Ohio.

**B. Eligibility**

1. All small municipal separate storm sewer systems (MS4s) unless the director of Ohio EPA has given written notification to an MS4 that coverage under this general permit is inappropriate.
2. This permit authorizes discharges of storm water from small MS4s, as defined in Part VI of this permit. You are authorized to discharge under the terms and conditions of this general permit if you:
  - a. Operate a small MS4 within the permit area described in Part I.A of this permit,
  - b. Are not a "large" or "medium" MS4 as defined in Part VI of this permit, and
  - c. Submit a Notice of Intent (NOI) in accordance with Part II of this permit; and
  - d. Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
  - e. Are designated for permit authorization by Ohio EPA.
3. The following are types of authorized discharges:
  - a. *Storm water discharges.* This permit authorizes storm water discharges to surface waters of the State from the small MS4s identified in Part I.B.2, except as excluded in Part I.C.
  - b. *Non-storm water discharges.* You are authorized to discharge the following non-storm water sources provided that Ohio EPA has not determined, and notified you in writing, these sources are substantial contributors of pollutants to your MS4: waterline flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities.

**C. Limitations on Coverage**

This permit does not authorize:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
  - a. In compliance with a separate National Pollutant Discharge Elimination System (NPDES) permit, or
  - b. Determined by Ohio EPA not to be a substantial contributor of pollutants to surface waters of the State.

2. Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi) that are not in compliance with a separate in force NPDES permit.
3. Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15) that are not in compliance with a separate in force NPDES permit.
4. Storm water discharges currently covered under another permit.
5. Discharges that would cause or contribute to in-stream exceedances of water quality standards. Ohio EPA may require additional actions or an application for an individual permit or alternative general permit if an MS4 is determined to cause an in-stream exceedance of water quality standards.
6. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by U.S. EPA (this information can be obtained from Ohio EPA) unless your discharge is consistent with that TMDL. This eligibility condition applies at the time you submit an NOI for coverage. For discharges that cannot comply with TMDL requirements under this permit, you will be instructed by Ohio EPA to apply for an individual or other applicable general NPDES permit.
7. Discharges that do not comply with Ohio EPA's anti-degradation policy for water quality standards.

**D. Obtaining Authorization**

1. To be authorized to discharge storm water from small MS4s, you shall submit a completed NOI form, application fee and your Storm Water Management Program (SWMP) in accordance with the deadlines presented in Part II.A of this permit. To renew coverage you shall only submit a completed NOI form and application fee.
2. Your NOI, to be completed on a form furnished by Ohio EPA, shall be signed and dated in accordance with Part V.G of this permit.
3. Until notified in writing by Ohio EPA, dischargers who submit an NOI in accordance with the requirements of this permit are not covered by this permit. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general permit based on a review of the NOI or other information (see Part V.Q).
4. Where an operator is added or removed after submittal of an NOI under Part II of this permit, a new NOI shall be submitted in accordance with Part II prior to the change.

**PART II. NOTICE OF INTENT REQUIREMENTS**

**A. Deadlines for Notification**

1. If you were automatically designated under 40 CFR §122.32(a)(1) to obtain coverage under this permit, then you were required to submit an NOI and your SWMP or apply for an individual permit by March 10, 2003.
2. *Additional designations.* If you are designated by Ohio EPA, then you are required to submit an NOI and your SWMP to Ohio EPA within 180 days of notice.
3. *Submitting a Late NOI.* You are not prohibited from submitting an NOI after the dates provided in Part II.A of this permit. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. Ohio EPA reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.
4. *Renewal.* When Ohio EPA renews this permit, if you have coverage under the previous version of the permit you will receive notification of the renewal along with instructions for getting coverage under the

renewal permit. Within 90 days of receiving Ohio EPA's notification, you shall submit a completed NOI form and application fee.

**B. Where to Submit**

You are to submit your NOI, signed in accordance with the signatory requirements of Part V.G of this permit, to Ohio EPA at the following address:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
50 West Town Street, Suite 700  
Columbus, Ohio 43216-1049

**C. Co-Permittees Under a Single NOI**

You may partner with other MS4s to develop and implement your SWMP. You may also jointly submit an NOI with one or more MS4s. Your SWMP shall clearly describe which permittees are responsible for implementing each of the control measures.

**PART III. STORM WATER MANAGEMENT PROGRAMS (SWMP)**

**A. Requirements**

1. You shall develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of Ohio Revised Code (ORC) 6111 and the Clean Water Act. The SWMP should include management practices; control techniques and system, design, and engineering methods; and shall be modified to include provisions as Ohio EPA determines appropriate after its review of the program for the control of such pollutants. Your SWMP shall include the following information for each of the six minimum control measures described in Part III.B of this permit:
  - a. The best management practices (BMPs) that you or another entity will or already does implement for each of the storm water minimum control measures;
  - b. For each BMP identified, statements indicating whether you believe you have the legal authority to implement said BMP.
  - c. The measurable goals for each of the BMPs, the ones you believe you have the authority to implement, including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. At a minimum, measurable goals shall be implemented to satisfy this general permit's performance standards; and
  - d. The person or persons, including position title or titles, responsible for implementing or coordinating the BMPs for your SWMP. The SWMP shall include a Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions, agencies and departments will occur.
  - e. In addition to the requirements listed above, you shall provide a rationale for how and why you selected each of the BMPs and measurable goals for your SWMP. You shall develop and implement your program within five years of initially being granted Small MS4 general permit coverage unless a more accelerated timeframe is specified.

**B. Minimum Control Measures**

The six minimum control measures that shall be included in your SWMP are:

**1. Public Education and Outreach on Storm Water Impacts**

- a. You shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. In the case of non-traditional MS4s (e.g., ODOT, universities, hospitals, prisons, military bases, and other government complexes), you are only required to provide educational materials and outreach to your employees, on-site contractors, and individuals using your facilities.
- b. *Decision process.* You shall document your decision process for the development of a storm water public education and outreach program. Your rationale statement shall address both your overall public education program and the individual BMPs, measurable goals and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
  - ii. How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities).
  - iii. Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
  - iv. What are the target pollutant sources your public education program is designed to address.
  - v. What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.
  - vi. Who (person or department) is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
  - vii. How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- c. *Performance Standards.* Your storm water public education and outreach program shall include more than one mechanism and target at least five different storm water themes or messages over the permit term. At a minimum, at least one theme or message shall be targeted to the development community. Your storm water public education and outreach program shall reach at least 50 percent of your population over the permit term.
- d. *Annual Reporting.* Your annual report shall identify each mechanism used, including each storm water theme, audience targeted and estimate of how many people were reached by each mechanism.



**2. Public Involvement/Participation**

- a. You shall comply with State and local public notice requirements and satisfy this minimum control measure's minimum performance standards when implementing a public involvement/participation program. In the case of non-traditional MS4s (e.g., ODOT, universities, hospitals, prisons, military bases, and other government complexes), you are required to involve employees, on-site contractors, and individuals using your facilities.
- b. *Decision process.* You shall document your decision process for the development of a storm water public involvement/participation program. Your rationale statement shall address both your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Have you involved the public in the development and submittal of your NOI and SWMP description.
  - ii. What is your plan to actively involve the public in the development and implementation of your program.
  - iii. Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
  - iv. What are the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a storm water management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities.
  - v. Who (person or department) is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
  - vi. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- c. *Performance Standards.* Your storm water public involvement/participation program shall include, at a minimum, five public involvement activities over the permit term.
- d. *Annual Reporting.* Your annual report shall identify each public involvement/participation activity conducted, including a brief description of activity and include an estimate of how many people participated.

**3. Illicit Discharge Detection and Elimination**

- a. You shall develop, implement and enforce a program to detect and eliminate illicit discharges, as defined in Part VI of this permit, into your small MS4 (for illicit discharges to your MS4 via an adjacent, outside of your jurisdiction, interconnected MS4, you are only required to inform the neighboring MS4 and Ohio EPA in your annual report submission, of their existence);
- b. You shall develop, if not already completed, a comprehensive storm sewer system map, showing the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls. Within five years of when your coverage under this

general permit was granted, your comprehensive storm sewer system map shall also include your MS4 system (owned and/or operated by you), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs and private post-construction water quality BMPs which have been installed to satisfy Ohio EPA's NPDES Construction Storm Water general permit and/or your local post-construction water quality BMP requirements. If you will be unable to develop your comprehensive storm sewer system map during this permit term, you shall provide an alternative schedule to complete with your 2009 Annual Report.

- c. Within five years of when your initial Small MS4 general permit coverage was granted, you shall submit the following to Ohio EPA:
  - i. A list of all on-site sewage disposal systems connected to discharge to your MS4 (a.k.a. home sewage treatment systems (HSTSs)) including the addresses; and
  - ii. A storm sewer map showing the location of all HSTSs connected to your MS4. This map shall include details on the type and size of conduits/ditches in your MS4 that receive discharges from HSTSs, as well as the water bodies receiving the discharges from your MS4.
- d. You shall to the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, illicit discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- e. You shall develop and implement a plan to detect and eliminate non-storm water discharges, including illegal dumping, to your system. At a minimum, for household sewage treatment systems (HSTSs), your plan shall address or include provisions for:
  - i. Working with the appropriate Board(s) of County Commissioners, other public officials, local waste water authorities, any other appropriate entity and local board(s) of health to proactively identify residences with existing individual discharging HSTSs that can be legally, feasibly and economically connected to central sewers. At a minimum, the plan shall evaluate applying provisions identified by ORC 6117.51 and other applicable State and local laws and/or regulations. At a minimum, this activity should require connection to central sewers for any discharging HSTS that is not operating as designed and intended if feasible, but it does not preclude connection to central sewers of any HSTS if local planning and coordination recommends such;
  - ii. Working with local board(s) of health to develop a proactive operation and maintenance program or implement/enhance an existing operation and maintenance program which determines if existing discharging HSTSs are operating as designed and intended and, for those not meeting this criteria, requires elimination, upgrade or replacement of the systems as appropriate. For HSTS discharges that cannot be eliminated through connection to central sewers or installation of soil absorption systems, the property owner must be notified of the requirement to pursue coverage under an appropriate Ohio EPA general NPDES permit;
  - iii. Actively investigating the source(s) of contamination in outfalls identified during dry weather screening process. When the contamination source has been identified as discharging HSTS that is not operating as designed and intended, work with the local board(s) of health to determine proper course of action in resolving the non-functioning HSTS with connection to central sewers being preferred alternative, followed by replacing system with a soil absorption system that does not discharge and only allowing a replacement discharging HSTS when no other option is available. For HSTS discharges that cannot be eliminated through connection to central sewers or installation of soil absorption systems, the property owner must be notified of the requirement to pursue coverage under an appropriate Ohio EPA general NPDES permit; and

- iv. Working with local waste water authorities, planning agencies or other appropriate agencies involved to evaluate the planned or possible future installation of sewers for areas which contain high densities of discharging HSTs.
- f. You shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- g. You shall address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities (by definition, not an illicit discharge).
- h. You may also develop a list of other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.
- i. *Decision process.* You shall document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement shall address both your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. How you will develop a comprehensive storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
  - ii. The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
  - iii. Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.
  - iv. Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan shall include dry weather field screening for non-storm water flows and Ohio EPA recommends field tests of selected chemical parameters as indicators of discharge sources. You shall describe the mechanisms and strategies you will implement to ensure outfalls which have previously been dry-weather screened will not have future illicit connections. Your plan shall also address on-site sewage disposal systems (including failing on-lot HSTs and off-lot discharging HSTs) that flow into your storm drainage system. Your description shall address the following, at a minimum:

1. Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;
  2. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source;
  3. Procedures for removing the source of the illicit discharge; and
  4. Procedures for program evaluation and assessment.
- v. How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
  - vi. Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
  - vii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- j. *Performance Standards.* Your storm water illicit discharge detection and elimination program shall include or have included an initial dry-weather screening of all your storm water outfalls over the permit term. Your program shall establish priorities and specific goals for long-term system-wide surveillance of your MS4, as well as for specific investigations of outfalls and their tributary area where previous surveillance demonstrates a high likelihood of illicit discharges. Data collected each year shall be evaluated and priorities and goals shall be revised annually based on this evaluation. Your comprehensive storm sewer system map shall be updated annually as needed.
  - k. *Annual Reporting.* Your annual report shall document the following: (1) number of outfalls dry-weather screened, (2) number of dry-weather flows identified, (3) number of illicit discharges identified, (4) number of illicit discharges eliminated, (5) provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated and (6) summary of any storm sewer system mapping updates.
- 4. Construction Site Storm Water Runoff Control**
- a. You shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre shall be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If Ohio EPA waives requirements for storm water discharges associated with small construction from a specific site(s), you are not required to enforce your program to reduce pollutant discharges from such site(s). Your program shall include the development and implementation of, at a minimum:
    - i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit(s) for Construction Activities applicable for your permit area which have been issued at the time of issuance of this permit. This would include the following Ohio EPA NPDES General Storm

Water Permits for Construction Activities: OHC000003, OHCD00001 and OHCO00001. If you initially had coverage under a previous version of this permit you shall revise your ordinance or other regulatory mechanism, if needed, within two years of when your coverage under this general permit was granted;

- ii. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
  - iii. Requirements for construction site operators to control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
  - iv. Procedures for storm water pollution prevention plan review which incorporate consideration of potential water quality impacts;
  - v. Procedures for receipt and consideration of information submitted by the public; and
  - vi. Procedures for site inspection and enforcement of control measures.
- b. *Decision process.* You shall document your decision process for the development of a construction site storm water control program. Your rationale statement shall address both your overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
- i. The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your SWMP description;
  - ii. Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance;
  - iii. Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes, but is not limited to, discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;
  - iv. Your procedures for pre-construction storm water pollution prevention plan review which incorporate consideration of potential water quality impacts. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed;
  - v. Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program;
  - vi. Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection;
  - vii. Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program; and

viii. Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

- c. *Performance Standards.* Your construction site storm water control program shall include pre-construction storm water pollution prevention plan review of all projects from construction activities that result in a land disturbance of greater than or equal to one acre. To ensure compliance, these applicable sites shall be initially inspected. The frequency of follow-up inspections shall be on a monthly basis unless you document your procedures for prioritizing inspections such as location to a waterway, amount of disturbed area, compliance of site, etc. If you initially had coverage under a previous version of this permit you shall revise your program to satisfy these performance standards, if needed, within two years of when your coverage under this general permit was granted.
- d. *Annual Reporting.* Your annual report shall document the following: (1) number of applicable sites in your jurisdiction, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) number and frequency of site inspections, (4) number of violation letters issued, (5) number of enforcement actions taken and (6) number of complaints received and number followed up on.

**5. Post-Construction Storm Water Management in New Development and Redevelopment**

- a. You shall develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program shall ensure that controls are in place that will prevent or minimize water quality impacts;
- b. You shall develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- c. You shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. Your ordinance or other regulatory mechanism shall, at a minimum, be equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit(s) for Construction Activities applicable for your permit area which have been issued at the time of issuance of this permit. This would include the following Ohio EPA NPDES General Storm Water Permits for Construction Activities: OHC000003, OHCD00001 and OHCO00001. If you initially had coverage under a previous version of this permit you shall revise your ordinance or other regulatory mechanism, if needed, within two years of when your coverage under this general permit was granted; and
- d. You shall ensure adequate long-term operation and maintenance of BMPs.
- e. *Decision process.* You shall document your decision process for the development of a post-construction SWMP. Your rationale statement shall address both your overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
  - ii. How your program will be specifically tailored for your local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.
  - iii. Any non-structural BMPs in your program, including, as appropriate: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive

areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

- iv. Any structural BMPs in your program, including, as appropriate: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.
- v. The mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why you chose the mechanism(s). If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
- vi. How you will ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.
- vii. Who is responsible for overall management and implementation of your post-construction SWMP and, if different, who is responsible for each of the BMPs identified for this program.
- viii. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- f. *Performance Standards.* Your post-construction SWMP shall include pre-construction storm water pollution prevention plan review of all projects from construction activities that result in a land disturbance of greater than or equal to one acre to ensure that required controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. Your program shall also ensure that long-term operation and maintenance (O&M) plans are developed and agreements in place for all applicable sites. If you initially had coverage under a previous version of this permit you shall revise your program to satisfy these performance standards, if needed, within two years of when your coverage under this general permit was granted.
- g. *Annual Reporting.* Your annual reports shall document the following: (1) number of applicable sites in your jurisdiction requiring post-construction controls, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) number of inspections performed to ensure as built per requirements, and (4) number of long-term operation and maintenance (O&M) plans developed and agreements in place.

**6. Pollution Prevention/Good Housekeeping for Municipal Operations**

- a. You shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
- b. Using training materials that are available from Ohio EPA or other organizations, your program shall include employee training to prevent and reduce storm water pollution from activities such as

park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance; and

- c. You shall include a list of industrial facilities you own or operate that are subject to Ohio EPA's Industrial Storm Water General Permit or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your MS4. Include the Ohio EPA permit number or a copy of the Industrial NOI form for each facility. For your municipal facilities that conduct activities described in 40 CFR 122.26(b)(14) that are not required to obtain Industrial Storm Water General Permit coverage, including vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots and waste transfer stations, a Storm Water Pollution Prevention Plan (SWP3) shall be developed and implemented in accordance with the SWP3 requirements of Ohio EPA's Industrial Storm Water General Permit (OHR000004). If you initially had coverage under a previous version of this permit you shall develop and implement SWP3s for these facilities, if needed, within two years of when your coverage under this general permit was granted.
- d. *Decision process.* You shall document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement shall address both your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:
  - i. Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program shall specifically list the municipal operations that are impacted by this operation and maintenance program.
  - ii. Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
  - iii. Your program description shall specifically address the following areas:
    - 1. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.
    - 2. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate. A description of the materials used for roadway and municipal parking lot winterization (use of salt, sand, bottom ash, etc. or combination thereof), associated application rates, and the rationale for the selected application rates shall be included. Also identify controls or practices to be used for reducing or eliminating discharges of pollutants resulting from roadway and municipal parking lot winterization activities.
    - 3. Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.
    - 4. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.



- iv. Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
- v. How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- e. *Performance Standards.* Your pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training. Your operation and maintenance program shall include appropriate procedures, controls, maintenance schedules and recordkeeping to address Part III.B.6.d.iii of this permit.
- f. *Annual Reporting.* Your annual reports shall document the following: (1)summary of employee training program(s) implemented with number of employees that attended and (2)summary of activities and procedures implemented for your operation and maintenance program.

**C. Sharing Responsibility**

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:

- 1. The other entity, in fact, implements all or part of the control measure;
- 2. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
- 3. The other entity agrees to implement the control measure on your behalf. There shall be written acceptance of this obligation. This obligation shall be maintained as part of your SWMP. If the other entity agrees to report on the minimum measure, you shall supply the other entity with the reporting requirements contained in Part IV.C of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

**D. Reviewing and Updating Storm Water Management Programs**

- 1. *SWMP Review:* You shall do an annual review of your SWMP in conjunction with preparation of the annual report required under Part IV.C of this permit.
- 2. *SWMP Update:* You may change your SWMP during the life of the permit in accordance with the following procedures:
  - a. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to Ohio EPA.
  - b. Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied by Ohio EPA, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If the request is denied, Ohio EPA will send you a written response giving a reason for the decision. Your modification requests shall include the following:
    - i. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
    - ii. Expectations on the effectiveness of the replacement BMP, and
    - iii. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

- c. Change requests or notifications shall be made in writing and signed in accordance with Part V.G of this permit.
- 3. *SWMP Updates Required by Ohio EPA:* Ohio EPA may require changes to the SWMP as needed to:
  - a. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
  - b. Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
  - c. Include such other conditions deemed necessary by Ohio EPA to comply with the goals and requirements of ORC 6111 and the Clean Water Act.
  - d. Changes requested by Ohio EPA will be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by Ohio EPA will be made in accordance with Ohio Administrative Code (OAC) 3745-47.
- 4. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* You shall implement the SWMP on all new areas added to your portion of the MS4 (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
  - a. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, you shall have a plan for implementing your SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.
  - b. Only those portions of the SWMPs specifically required as permit conditions shall be subject to modification. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

#### **PART IV. EVALUATING, RECORD KEEPING AND REPORTING**

##### **A. Evaluating**

- 1. You shall evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals and satisfying performance standards.

##### **B. Record keeping**

- 1. You shall retain copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the NOI application for this permit, for a period of at least three years from the date of the report or application, or for the term of this permit, whichever is longer. This period may be extended by request of Ohio EPA at any time.
- 2. You shall submit your records to Ohio EPA only when specifically asked to do so. You shall retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to Ohio EPA. You shall make your records, including the NOI and the SWMP, available to the public if requested to do so in writing.

**C. Reporting**

You shall submit annual reports to the director by the first day of April for each year that this permit is in effect. If you had coverage under a previous version of this permit you shall submit your 2008 annual report by the required due date of that previous generation permit. The first report required by this permit is due April 1, 2010. Each report shall cover the period from January through December of the previous year. You shall use the Annual Report Form provided by the Director or you may request approval to use your own reporting format. The report shall include:

1. A most recent Table of Organization for program development and implementation, including a primary point of contact;
2. The status of your compliance with permit conditions and performance standards, an assessment of the appropriateness of the identified BMPs, progress toward achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures. The report shall also include a summary of the specific annual reporting requirements identified for each minimum control measure in Part III.B.1.d, Part III.B.2.d, Part III.B.3.k, Part III.B.4.d, Part III.B.5.g and Part III.B.6.f;
3. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
4. A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
5. Proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
6. Identify and summarize any variances granted under your storm water program regulations and requirements.

**PART V. STANDARD PERMIT CONDITIONS**

**A. Duty to Comply**

You shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORC 6111 and is grounds for enforcement action.

**B. Continuation of the Expired General Permit**

An expired general permit continues in force and effect until a new general permit is issued.

**C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. Duty to Mitigate**

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**E. Duty to Provide Information**

You shall furnish to the director, within seven days or as indicated in the written request, any information which the director may request to determine compliance with this permit. You shall also furnish to the director upon request copies of records required to be kept by this permit.

**F. Other Information**

If you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI, SWMP, or in any other report to the director, you shall promptly submit such facts or information.

**G. Signatory Requirements**

All NOIs, SWMPs, reports, certifications or information submitted to the director shall be signed.

1. These items shall be signed as follows:

a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- i. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- ii. The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can assure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).

2. All reports required by the permits and other information requested by the director shall be signed by a person described in Part V.G.1 of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part V.G.1 of this permit and submitted to the director;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. The written authorization is submitted to the director.

3. Changes to authorization. If an authorization under Part V.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.G.2 of this permit must be submitted to the director prior to or together with any reports, information or applications to be signed by an authorized representative.
4. Certification.

Any person signing documents under Parts V.G.1 or V.G.2 of this permit shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

5. Falsification.

Ohio law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

#### **H. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### **I. Proper Operation and Maintenance**

You shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

#### **J. Inspection and Entry**

You shall allow Ohio EPA or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter your premises at reasonable times where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

**K. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause.

**L. Permit Transfers**

Permit transfers shall be in accordance with OAC 3745-38-09.

**M. Anticipated Noncompliance**

You shall give advance notice to Ohio EPA of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

**N. State Environmental Laws**

No condition of this permit shall release you from any responsibility or requirements under other environmental statutes or regulations.

**O. Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**P. Procedures for Modification or Revocation**

Permit modification or revocation will be conducted in accordance with OAC Chapter 3745-38.

**Q. Requiring an Individual Permit or an Alternative General Permit**

1. *Request by permitting authority.* Ohio EPA may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or coverage under an alternative NPDES general permit. Any interested person may petition Ohio EPA to take action under this paragraph. Where Ohio EPA requires you to apply for an individual NPDES permit or coverage under an alternative NPDES general permit, Ohio EPA will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative NPDES general permit coverage as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Ohio EPA may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application or an NOI for coverage under an alternative NPDES general permit as required by Ohio EPA under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by Ohio EPA for application submittal.
2. *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of OAC Chapter 3745-33, with reasons supporting the request, to Ohio EPA. The request may be granted by issuance of any individual

permit or an alternative general permit if the reasons cited by you are adequate to support the request.

3. *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the date of such denial, unless otherwise specified by Ohio EPA.

## PART VI. DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

Please see the following web site for Federal and State laws related to Ohio EPA's Division of Surface Water: <http://www.epa.state.oh.us/dsw/rules/laws.html>

Please see the following web site for Storm Water Program forms and other guidance documents associated with this general permit: <http://www.epa.state.oh.us/dsw/storm/index.html>

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Control Measure* as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to surface waters of the State.

*CWA or The Act* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.

*director* means the director of the Ohio Environmental Protection Agency.

*Discharge*, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.

*Illicit Connection* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

*Illicit Discharge* is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

*Large MS4* means all municipal separate storm sewer systems that are located in an incorporated place with a population of two hundred fifty thousand or more as determined by the 1990 census by the United States bureau of census.

*Larger Common Plan of Development or Sale* means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

*Medium MS4* means all municipal separate storm sewer systems that are located in an incorporated place with a population of one hundred thousand or more, but less than two hundred fifty thousand as determined by the 1990 census by the United States bureau of census.

*MEP* is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

*MS4* means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

- Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
- Designed or used for collecting or conveying solely storm water,
- Which is not a combined sewer, and
- Which is not a part of a publicly owned treatment works.

*NOI* is an acronym for "Notice of Intent" which means the mechanism used to "register" for coverage under a general permit.

*Non-traditional MS4* means systems similar to separate storm sewer systems in municipalities, such as systems at military bases, hospitals, public universities or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer systems in very discrete areas such as individual buildings.

*Off-Lot Home Sewage Treatment System (HSTS)* means a system designed to treat home sewage on-site and discharges treated wastewater off-lot.

*Ohio EPA* means the Ohio Environmental Protection Agency.

*On-Lot Home Sewage Treatment System (HSTS)* means a system designed to treat home sewage on-lot with no discharges leaving the lot.

*Outfall from an MS4* means a point source at the point where a municipal separate storm sewer discharges to surface waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters of the state and are used to convey waters of the state.

*Small MS4* means all municipal separate storm sewer systems that are neither a large MS4 nor a medium MS4.

*Storm Water* is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.



*Storm Water Management Program (SWMP)* refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

*Surface Waters of the State* means all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partly within the boundaries of the State, except those private waters which do not combine or affect a junction with a surface water. Waters defined as sewerage systems, treatment works, or disposal systems in Section 6111.01 of the ORC are not included.

*SWMP* is an acronym for "Storm Water Management Program."

"You" and "Your" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the village, the county, the township, the flood control district, the university, etc.).

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FedEx NEW Package  
US Airbill

8755 8904 0984

1 From Shipper's name and address for the shipper's records  
Date 11/20/19  
Transit Number 875589040984

Sender's Name  
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State  
ZIP

Company

Address

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2 Your Internal Billing Reference

3 To Recipient's Name

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